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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,518	09/08/2000	Heiko Pintz	FRM-02601	5199

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EXAMINER
WACHTEL, ALEXIS A

ART UNIT	PAPER NUMBER
1764	

DATE MAILED: 02/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/600,518

Examiner

Alexis Wachtel

Applicant(s)

PINTZ, HEIKO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2002.
- 2a) ☒ This action is FINAL.
- 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 12) ☐ The oath or declaration is objected to by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Detailed Action

Response to Amendment

1. Applicant's amendment and accompanying Remarks filed 12-17-2002 have been entered and carefully considered.

The amendment is insufficient to overcome the obviousness rejections of claims 1-23, but is sufficient to overcome 112 2nd paragraph rejections of claims 1-4,9-12.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5,9-13,20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,020,275 to Stevenson et al in view of US 5,707,903 to Schottenfeld.
4. Claims 6-8,14,16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,020,275 to Stevenson et al in view of US 5,707,903 to Schottenfeld as set forth above in view of US 4,434,251 to Sasajima et al.
5. Claims 5,7,15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,020,275 to Stevenson et al in view of US 5,346,278 to Dehondt.

Response to Arguments

6. Applicant argues that Stevenson and Schottenfeld fail to teach a polymer coating having a foam structure applied to a textile grating that provides an increased specific

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volume and compressibility to the coating. Examiner holds the position that the foam coating disclosed by Stevenson and Schottenfeld, on analytical measurement, does indeed provided a quantitatively based specific volume and compressibility. Regarding claim 2, Applicant argues that Stevenson fails to disclose encapsulation of the yarn groups and that the teachings Schottenfield do not supplement Stevenson's disclosure. Examiner disagrees since Schnottenfield teaches coating a scrim with PVC foam, the fibers/yarns of the scrim are encapsulated by the coating. In addition, Applicant argues that Stevenson and Schottenfield are un-combinable since they are ^{non-}analogous art. Examiner wishes to point out that Schottenfield solves a problem common to geotextiles of all sorts: that of frictional engagment with a substrate. Schottenfield's teaching of PVC foam as a frictional engaging mechanism is particularly useful in a geotextiles since geotextiles desirably stay in place and stabilize surrounding soil, rocks or other substrates. One of ordinary skill would have recognized that the application problem Schottenfield is solving is directly concerned with Stevenson's geotextile. As such, the combination of Schottenfield and Stevenson is proper.

Conclusion

7. The prior art of record and not relied upon is considered pertinent to Applicant's disclosure. In addition, the following references are cited for disclosing various aspects of Applicant's invention:

US 5,736,466
US 6,020,275
US 6,228,786B1
US 6,221,796B1
US 6,056,479

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Alex Wachtel, whose number is (703)-306-0320. The Examiner can normally be reached Mondays-Fridays from 10:30am to 6:30pm.

If attempts to reach the Examiner by telephone are unsuccessful and the matter is urgent, the Examiner's supervisor, Mr. Glenn Caldarola can be reached at (703) 308-6824. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


ELIZABETH M. COLE
PRIMARY EXAMINER